

The Perceived Inaccessibility of Courts (PIC) Scale

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The guide describes how to implement the Perceived Inaccessibility of Courts (PIC) Scale.

The PIC scale is a short 10-item scale which measures a specific legal capability – the extent to which people see courts as inaccessible.

This guide is one of a series setting out scales designed to measure legal capability in research and evaluation. Legal capability is the capability to achieve fair outcomes to problems involving law

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Using the scale

The PIC scale is shown in Box 1, including the introduction, items and response format.

Box 1. The Perceived Inaccessibility of Courts (PIC) Scale

The following questions are about your general **impression and experience of courts in <STATE/ REGION/COUNTRY>**.

We are not concerned with crime. We are concerned with the other types of issues that **courts** deal with, such as: being unfairly sacked by your employer, injured where it was someone else's fault, involved in a dispute over money as part of a divorce, being kicked out of your home, or a serious dispute with a neighbour.

Thinking about issues like this, to what extent do you agree or disagree that

Courts in <STATE/REGION/COUNTRY> ...?

Are not somewhere I feel confident going

Are not something I'd be happy to use

Are the last place I would ever go for help

Are not interested in the issues I face

Are not concerned with real people's lives

Are unapproachable

Are out of reach for people like me

Are not worth the hassle

Are a mystery

Don't take people like me seriously

Response options – strongly agree, agree, disagree, strongly disagree

Scoring the scale

Assigning a score of zero to strongly disagree, one to disagree, two to agree and three to strongly agree results in an overall score from zero to thirty, with higher scores indicating greater perceived inaccessibility. These raw scores are converted to an interval scale as shown in Table 1, which makes them appropriate for a wider range of common statistical analyses. ⁱⁱ

Table 1. Scoring for the Perceived Inaccessibility of Courts (PIC) scale

Raw Score	PIC Score
0	0
1	17.3
2	25.6
3	29.6
4	32.6
5	35.2
6	37.7
7	40.1
8	42.7
9	45.6
10	49.0
11	52.4
12	55.3
13	58.0
14	60.3
15	62.4
16	64.5
17	66.5
18	68.5
19	70.6
20	72.6
21	74.7
22	76.7
23	78.8
24	80.8
25	82.9
26	85.2
27	87.6
28	90.6
29	94.6
30	100

Scale scores can also be converted into categories. ⁱⁱⁱ Using the Australian Community Perceptions of Law data, scores less than 60 could be regarded as 'low', 60-73 as 'medium' and scores over 73 as 'high'

Additional information

The legal capability context

More specifically, legal capability refers to the knowledge, skills, attributes and resources required to deal with legal problems, as problems progress from recognition of issues to information/assistance, resolution, and wider influences and law reform. ^{iv} It is a multifaceted concept and a number of frameworks of legal capability have been developed setting out core elements, including by Balmer et al., (2019). ^v

Legal capability is central to gaining a better understanding of why people take particular paths to justice and how we might make these paths easier to follow. Measuring capability can help to give a better understanding of understanding of the type, level and complexity of services that different people might need, and highlight opportunities for policy intervention. Tools enabling measurement, can be used to produce baseline measures, compare and contrast specific groups, identify deficits, monitor change, and paired with appropriate methods, quantify the impact of interventions.

As described above, the PIC scale is a short 10-item scale which measures a specific legal capability – the extent to which people see courts as inaccessible. It is an attribute of legal capability particularly relevant to problem resolution. ^{vi} The scale can be used with members of the public in a range of research, evaluation, and practical settings.

Scale development

The scale was developed using data from the VLF's Community Perceptions of Law Survey (Balmer et al., 2019^{vii}) using the steps set out in DeVellis (2012). As part of the survey, respondents were presented with forty simple descriptions of courts (the item pool), both positive and negative, and asked the extent to which they agreed or disagreed with them using a four-point Likert scale. These forty items were reduced to a final ten-item scale which is quick and simple to administer. The process of reducing the initial item pool to a final ten-item scale and verifying its psychometric properties followed the protocol described by Pleasence and Balmer (2019b). Comprehensive technical details of the scale, its development and psychometric properties will be set out in a forthcoming paper, though the PIC scale had good psychometric properties^{viii} and measured a single accessibility trait.^{ix}

Baseline scores

Using the Australian Community Perceptions of Law data, the mean score on the Perceived Inaccessibility of Courts Scale was 67.5 (standard deviation = 11.8), with a minimum of 32.6 and maximum of 100. Categorising scores as 'low', 'medium' or 'high' as set out above yielded 22.7% 'low', 53.9% 'medium' and 23.2% 'high'.

Some findings to date

Some early analysis using the PIC scale can be found in Balmer et al., (2019). For example, those with a severe mental illness (based on the K6 measure) perceiving courts as less accessible (i.e., scoring higher on the PIC scale). Positive first-hand experiences of court were also related to seeing courts as more accessible, as were positive experiences with lawyers. Independently of first-hand experience, second-hand accounts of courts and lawyers from friends, family or colleagues were both related to perceptions of inaccessibility. Those who could recall negative accounts were associated with higher PIC scale scores, while positive accounts were associated with lower PIC scale scores.

References

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ii They can be treated as being normally distributed, allowing common tests such as analysis of variance or t-tests. See Wright and Linacre (1989).

iii Or more accurately strata. Further details in Pleasence and Balmer (2019b) and Linacre (2013).

iv From a practical measurement perspective. For a discussion of legal needs within the context of the concept of legal capability, see Pleasence & Balmer (2019a).

v p.60. For more on legal capability and why it is important, see Pleasence & Balmer, (2019a), McDonald (2021) and OECD & Open Society Foundations (2019).

vi In Balmer et als., (2019) *Legal Capability Framework* (p.60), it is described as 'attitude (to) accessibility of process (general / specific)' - an attribute relevant to 'resolution' and the 'wider influence and law reform' stages.

vii Which also sets out technical details of the survey and its administration.

viii Developing the scale and establishing its psychometric properties involved Rasch analysis. The final scale/Rasch model had a nonsignificant item trait interaction ($\chi^2(240) = 62.90, p = 0.012$ (a p-value greater than the Bonferroni adjusted value of 0.005 for 10 items)) indicated adequate overall fit. Item (fit residual standard deviation = 1.11) and person (fit residual standard deviation = 1.49) were both acceptable. The person separation index of 0.88 suggested very good internal consistency and ability to discriminate between respondents with differing levels of perceived inaccessibility. Individual item thresholds were ordered indicating the response format was appropriate and there was no evidence of response dependence or multidimensionality. The scale was well targeted and scale scores related to similar constructs (e.g., actual court experience), giving some indication of construct/external validity.

ix Note, that the scale contains only negatively framed items, since analysis indicated that positively and negatively framed items were understood differently and were not unidimensional (i.e., they did not measure a single accessibility trait). Traditionally both positively and negatively phrased items have been included in scales or item pools to reduce response bias (e.g. Sonderer, Sanderman & Coyne, 2013) though recent studies have questioned the effectiveness of the approach and potential for multidimensionality (e.g. Dalal & Carter, 2015) which is what we found analysing accessibility of courts data. It would also be possible to construct a solely positively framed 'accessibility of courts' scale, rather than 'inaccessibility', and those interested in working with the data should contact the authors. The scale was developed and validated in Australia, though there is no reason why it should not be implemented in other countries.